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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/599,138

09/21/2006

Craig John Chalk

4912

7590

09/17/2009

Red Dingo Inc
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EXAMINER

DO, ROWLAND

ART UNIT

PAPER NUMBER

3677

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09/17/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/599,138	Applicant(s) CHALK, CRAIG JOHN	
	Examiner Rowland D. Do	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-10 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09/21/2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/21/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is a first office action rejection on the merits. Claims 1-10, as originally filed, are currently pending and have been considered below.

****Examiner's note:** these claims further describe a possible election of species requirement among Species 1, Figure 1; Species 2, Figure 2; Species 3, Figure 3; Species 4, Figs.4-6; Species 5, Fig.7-8; Species 6, Fig.9; Species 7, Fig.10; Species 8, Fig.11; Species 9, Fig.12; Species 10, Fig.13-15 A-F; Species 11, Fig.16 A-E; Species 12, Fig.17 A-E; Species 13, Fig.19; Species 14, Figure 20. These do not result an undue burden of search to the examiner as currently presented, but examiner reserves the right to restrict if amendments make the claims burdensome.

Information Disclosure Statement

The information disclosure statement filed 09/21/2006 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the structural elements of "a sleeve" (claim 1, line 5), "opposing projecting fingers" (claim 2, line 1-2), "a link"

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(claim 5, lines 1-2) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "1c", "2c", and "3c" of Figure 4. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement

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drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 3 is objected to because of the following informalities: the term "finger/s" (line 2) should be replaced by --fingers-- and the term "hole/s" should be replaced by --holes--. Appropriate correction is required.

Claim 10 is objected to because of the following informalities: the recitation "a lever arm pivotally mounted intermediate its ends to a remainder of the clip" (lines 1-2) renders the claim unclear and confusing. Examiner suggests correcting the grammatical errors to better explain the attachment means between the lever arm and the clip.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

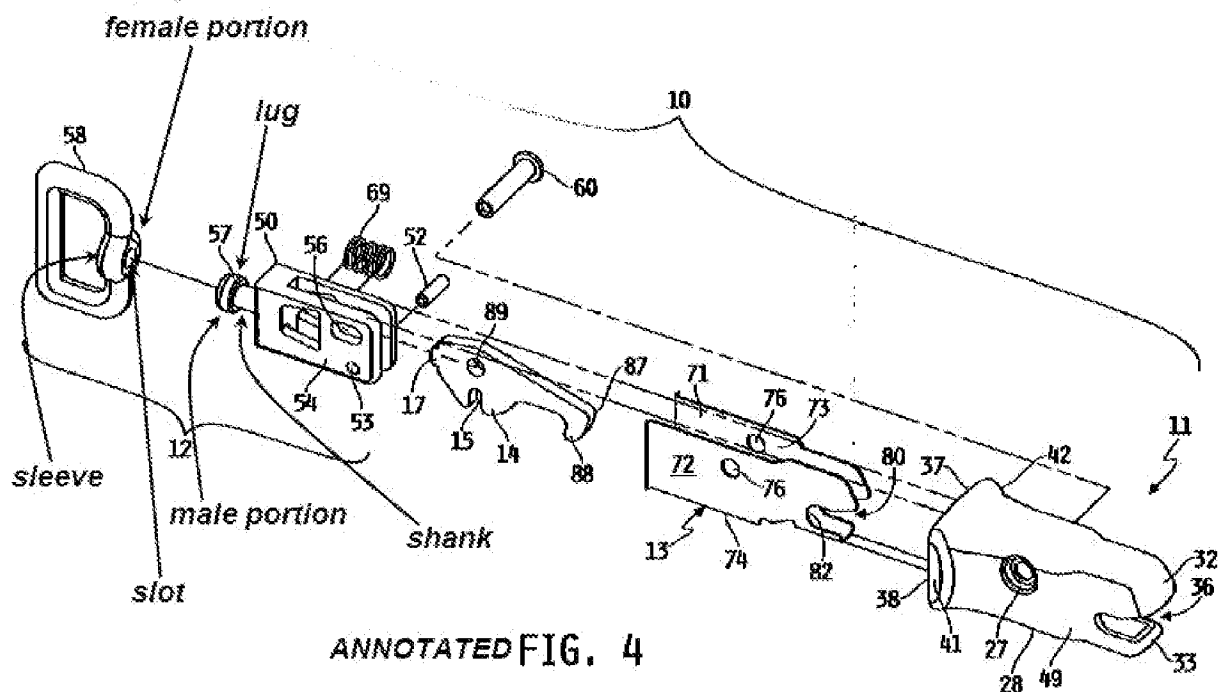
Claims 1, 4-5, and 7-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Anthony ET al. (US PG Pub 2004/0208692).

Regarding claim 1, Anthony et al. disclose an **attachment mechanism** (10) *[for attaching together a pet lead (20) and a clip (14 and 13 combined) for a pet collar], the mechanism comprising a **male portion** (see annotated Fig.4) *[adapted for connection to one of the lead or clip], and a **female portion** (see AF4) *[adapted for connection to the other of the clip or lead respectively], wherein the male portion is a **shank** (see AF4) having a **lug** (see AF4) at a distal end thereof and the female portion is a **sleeve** (see AF4) having a **slot** (see AF4) in a **side wall** thereof (internal within “slot” shown in AF4) that is shaped to laterally receive the shank and lug therethrough and allow the lug to move longitudinally to a **seat** (surface inside “slot” abutting the “shank” and “lug”, see Figs.3-4), from where it must be moved longitudinally then laterally to be removed from the sleeve (see [0027]).

Examiner's note*: the above (and below) statements in brackets are examples of intended use failing to limit the structure of the claimed invention. The prior art must only be capable of performing said functional recitations to be applicable and in the instant case, the prior art of Anthony et al. is indeed capable. Note that it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be

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employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ 2d 1647 (1987).



Regarding claim 4, Anthony discloses the male portion is integrally formed with and extends from a proximal end of the clip (see AF4), *[and the female portion is adapted for connection to a distal end of the lead].

Regarding claim 5, Anthony discloses the female portion is connected to a link (58), with the link being inserted through a loop (see Fig.10) defined at a distal end of the lead (see Fig.10).

Regarding claim 7, Anthony discloses a clip (111) for a pet lead (20) or pet collar, the clip being configured in a shape of an animal (see Fig.10), characterized in that a

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portion of the animal's anatomy is moveable to mechanically operate the clip (see [0036] or [0022] or [0027]).

Regarding claim 8, Anthony discloses the portion of the animal's anatomy comprises a latching means (88, Fig.10) *[for opening the clip and enabling it to be clipped onto a shackle or ring].

Regarding claim 9, Anthony discloses opposing portions of the latching means are respectively configured in the shape of an ear (41) and jaw (see Fig.10) of the animal shape such that, by moving the ear portion of the latching means, the jaw portion of the latching means can move between open and closed positions (see [0036] and [0037]).

Regarding claim 10, Anthony discloses the latching means is a lever arm (14) pivotally mounted in the intermediate ends to a remainder of the clip (see Fig.4 and Fig.10), with one end of the lever arm defining a protruding ear (41) of the animal shape for manual engagement by a user (see [0036]), and the other end of the lever arm defining a jaw portion (36) of the animal shape that can move to open a mouth portion of the animal shape and into which a loop of a shackle or ring can be located (see Fig.10).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anthony et al. (US PG Pub. 2004/0208692) in view of Lii et al. (US 4,577,374).

Regarding claim 2, Anthony et al. disclose all structural elements of claim 1. Anthony does not explicitly disclose a plug shaped for fastening receipt in the sleeve slot whereby, once the shank and lug have been inserted through the slot, the plug can be inserted and fastened into the slot to lock the shank and lug in the sleeve.

Lii et al. teach an elastic buckle having a plug (22) shaped for fastening receipt in the sleeve slot (see Figs.3-5) whereby, once the shank (B) and lug (C) have been inserted through the slot, the plug can be inserted and fastened into the slot to lock the shank and lug in the sleeve (see Figs.3-5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the attachment mechanism of Anthony to include a plug and slot setup as taught by Lii in order to provide a simplified process in attaching the

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male portion to the female portion and locking the two members together, thus reducing the assembling process for the coupling device.

Regarding claim 6 (as it depends from claim 2), the combination renders the claimed method steps obvious since such would be logical manner of using the combination.

Allowable Subject Matter

Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and subject to correcting the previous objection(s) made in above section.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 form for similar references cited.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rowland D. Do whose telephone number is (571) 270-5737. The examiner can normally be reached on Mon-Fri 9:30AM-7PM (alternate Fri off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor D. Batson can be reached on (571) 272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rowland D. Do/
Examiner, Art Unit 3677

/Victor Batson/
Supervisory Patent Examiner, Art Unit 3677